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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,473	07/14/2004	Chih-Chung YANG	OTMP0081USA	4472

27765 7590 07/27/2005

NORTH AMERICA INTERNATIONAL PATENT OFFICE (NAIPC)
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER

KOVAL, MELISSA J

ART UNIT PAPER NUMBER

2851

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,473	Applicant(s) YANG ET AL.	
	Examiner Melissa J. Koval	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

The manner in which the elements comprising the projection lens shifting apparatus are arranged and connected to one another is unclear. The projection lens set is connected to the adjusting shaft and the other elements in some fashion not clearly set forth in the claim, such that the projection lens set can move relative to the adjusting shaft. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 through 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. U.S. Patent 4,961,635 or Nakayama et al. U.S. Patent 5,970,260.

Claim 1 sets forth: "A projection lens set shifting apparatus, comprising:
a gear train, having an output shaft, said output shaft being connected to an eccentric wheel, a notch being opened at the circumference of said eccentric wheel; an adjusting shaft, an eccentric pin being disposed at one end thereof, said eccentric pin being accepted in said notch to allow said adjusting shaft and said gear train to be combined together; and
a projection lens set, connected to said adjusting shaft to be allowed to move

with said adjusting shaft relatively.”

With respect to claim 1, both Kondo et al. '635 and Nakayama et al. '260 show zoom lens assemblies movable along a shaft mechanism by means of a gear train and at least an eccentric pin. With respect to any of the specific components set forth in claims 1 through 7 not taught by either reference, the patentable distinction of those parts in combination with the essential gear, shaft and pin system is not presently clear to the examiner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the parts comprising the lens shifting apparatus could be modified as determined by the projection lens set required. The motivation for one having ordinary skill in the art to make such a modification would be determined by size and cost of the system required.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nomura et al. U.S. Patent 6,909,464 B2 teaches a zoom lens and a movable lens hood mounting mechanism of the zoom lens.

Mun et al. U.S. Patent 6,240,254 B1 teaches a zoom lens driving system for a camera.

Nomura U.S. Patent Application Publication US 2004/0042096 A1 teaches an optical element retracting mechanism for a photographing lens.

Miyashita et al. U.S. patent Application Publication U.S. 2004/0080836 A1 teaches a lens shift mechanism and projection type video display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J. Koval whose telephone number is (571) 272-2121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK

A handwritten signature in black ink, appearing to read "Melissa J. Koval". The signature is stylized with a large loop at the end and a horizontal line across the middle.